

**FILED**

October 13, 2004

Charles R. Fulbruge III  
Clerk

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT**

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No. 04-40026  
Summary Calendar

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UNITED STATES OF AMERICA,

Plaintiff-

Appellee,

versus

MICHAEL LYNN MOSES,

Defendant-

Appellant.

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Appeal from the United States District Court  
for the Eastern District of Texas  
USDC No. 2:02-CR-13-2  
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Before WIENER, BENAVIDES AND STEWART, Circuit Judges.

PER CURIAM:\*

Court-appointed counsel for Michael Lynn Moses has filed a motion to withdraw and an accompanying brief as required by Anders v. California, 386 U.S. 738 (1967). An independent review of counsel's brief, Moses's response, and the record reflects that there are no nonfrivolous issues for appeal. Accordingly, Moses's motion for the appointment of substitute appellate counsel

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\* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

is DENIED; counsel's motion for leave to withdraw is GRANTED, counsel is excused from further responsibilities herein, and this appeal is DISMISSED. See 5TH CIR. R. 42.2.